

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOSEPH BAPTISTE

No. 17-cr-10305-ADB

DEFENDANT JOSEPH BAPTISTE’S UNOPPOSED MOTION TO CONTINUE TRIAL

Defendant, Joseph Baptiste, respectfully requests to continue the trial in this case to a date in November 2022. Defendant Boncy does not object. The government takes no position. As grounds for this motion, undersigned counsel state:

1. Due to the COVID-19 Omicron “surge” in early 2022, multiple trials and other in-court commitments of counsel for Baptiste were delayed, which has limited counsel’s ability to prepare for this case. Counsel have just started a jury trial in *United States v. Yu*, No. 19-cr-10195-WGY, which was originally scheduled for January, and then March, and is now expected to last for the entire month of May.

2. Counsel for Baptiste have been unable to conduct necessary investigation in Haiti due to ongoing public health and acute security concerns. The U.S. States Department classifies Haiti as “Level 4 – Do Not Travel,” as of April 19, 2022:

Do not travel to Haiti due to kidnapping, crime, and civil unrest. U.S. citizens should carefully consider the risks of traveling to, and remaining in, Haiti in light of the current security situation and infrastructure challenges.

Country Summary: Kidnapping is widespread and victims regularly include U.S. citizens. Kidnappers may use sophisticated planning or take advantage of unplanned opportunities, and even convoys have been attacked. Kidnapping cases often involve ransom negotiations and U.S. citizen victims have been physically harmed during kidnappings. Victim’s families have paid thousands of dollars to rescue their family members.

Violent crime, such as armed robbery and carjacking, is common. Travelers are sometimes followed and violently attacked and robbed shortly after leaving the Port-au-Prince international airport. Robbers and carjackers also attack private vehicles stuck in heavy traffic congestion and often target lone drivers, particularly women. As a result, the U.S. Embassy requires its personnel to use official transportation to and from the airport.

Protests, demonstrations, tire burning, and roadblocks are frequent, unpredictable, and can turn violent. The U.S. government is extremely limited in its ability to provide emergency services to U.S. citizens in Haiti – assistance on site is available only from local authorities (Haitian National Police and ambulance services). Local police generally lack the resources to respond effectively to serious criminal incidents.¹

3. By letter dated May 4, 2022, the government produced over 1,400 pages of additional discovery pertaining to a cooperating witness who was a paid FBI informant. The government did not call the cooperating witness to testify at the first trial but intends to do so at the new trial. Undersigned counsel anticipate that this disclosure will likely precipitate further discovery requests to the government by both defendants. In addition, counsel will need to conduct thorough independent investigation of the cooperating witness, his credibility, and his motives to curry favor with the U.S. government. This cooperating witness has extensive business and political relationships, including with senior officials and their family members, in both the U.S. and Haiti, and those relationships will make the required investigation complex and challenging.

4. A DOJ “filter team” recently contacted counsel for both defendants concerning certain materials originally withheld from the prosecution team but that the filter team do not believe are in fact privileged. Defense counsel are reviewing the documents to determine what

¹ <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html> .

position they will take on an anticipated motion by the filter team for leave to disclose the documents.

5. Counsel for Dr. Baptiste are continuing to review voluminous original discovery materials, including hundreds of hours of recordings in multiple languages, originally produced to attorney LaRoche and re-produced to undesigned counsel in September 2021.

6. Counsel for both defendants are evaluating possible additional pre-trial or dispositive motions.

7. Defendants are not in custody and have complied with all pretrial release conditions.

Accordingly, defendants require additional time to prepare for trial. A continuance would not prejudice defendants or the government. Counsel for all parties have conferred and would be available in November 2022.

Respectfully submitted,

JOSEPH BAPTISTE

By his attorneys

/s/ William W. Fick

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants May 9, 2022.

/s/ William W. Fick